

REMARKS

Claims 1-47 are pending.

I. Amendments

Independent Claims 1, 11 and 12 were amended to recite "A block polymer suds stabilizer having the capacity to accommodate a positive charge character or a negative charge character, with the proviso that said block polymer suds stabilizer is not zwitterionic... ." It is respectfully submitted this is not new matter.

Claim 1 was amended to recite having the capacity to accommodate a positive charge character or a negative charge character. This is supported by the present specification at page 2 last paragraph which discloses suds stabilizers having the capacity to accommodate a positive charge character, negative charge character, or zwitterionic character have the capacity to provide liquid hand wash detergent compositions with extended suds volume and suds duration benefits. As further emphasis, Claim 1 recites the block polymer suds stabilizer is not zwitterionic. It is respectfully submitted this is not new matter in view of *In re Johnson and Farnham*, 194 USPQ 187, 196 (CCPA 1977)(It was not new matter to add a proviso to remove a species lost in an interference). The CCPA held"

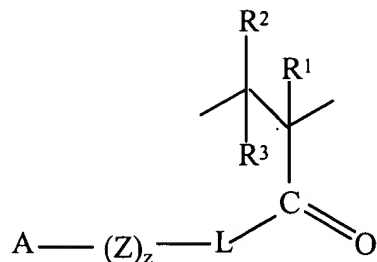
"The notion that one who fully discloses, and teaches those skilled in the art how to make and use a genus and numerous species therewithin, has somehow failed to disclose, and teach those skilled in the art how to make and use, that genus minus two of those species, and thus has failed to satisfy the requirements of §112 first paragraph, appears to result from a hypertechnical application of legalistic prose relating to that provision of the statute. All that happened here is that appellants narrowed their claims to avoid having them read on a lost interference count."

II. Obviousness-type Double Patenting

Claims 1-47 are rejected for obviousness-type double patenting over Claims 1-14 of US 6,372,708 (Kasturi et al). This rejection is respectfully traversed.

Kasturi et al. Claim 1

Kasturi et al. Claim 1 includes the following formula:



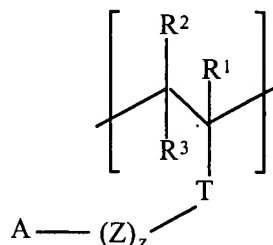
L is O

Z is -(CH₂)-, -(CH₂-CH=CH)- and/or -(CH₂CHOH)-

z is 0 to 12

A is NR⁴R⁵

Present Claim 1 includes the following formula:



In the present Claim 1, Z is -(CH₂)-, -(CH₂-CH=CH)-, -(CH₂CHOH)-, -(CH₂CHOH)-, -(CH₂-CHNR⁴)-, and/or -(CH₂-CH₂CHNR⁵)-, z is 0 to 12

The Office action states, “the homopolymer (a) in claims 1-14 in Patent ‘708 is readable in applicants’ claimed block polymer in the present claims.” It is respectfully submitted this is incorrect.

Even if there may be overlap between the formula of a *monomeric* repeating unit of Kasturi et al., Claim 1 and that of present Claim 1, the polymers defined by these claims do not overlap. Kasturi et al. claims a homopolymer. Present Claim 1 recites a

block polymer. Homopolymers and block polymers are terms of art and the claimed homopolymers and block polymers define different, mutually exclusive polymers.

By definition, in a homopolymer the repeating units are essentially all the same.

In contrast, the claimed block polymer is by definition a co-polymer. Thus, there must be at least two different monomers. Page 5 of the present specification defines block polymers as "two or more different homopolymeric and or monomeric units which are linked to form a single polymer molecule". Indeed, present Claim 1 recites:

- "(i) one or more cationic group-containing units; and
- (ii) one or more additional building block units".

All the present claims require a block polymer. Thus, there is no overlap between the present claims and Kasturi et al. Claim 1 and its dependent Claims 2-10.

Kasturi et al. Claims 11 and 13

At least as presently amended the present claims distinguish over Kasturi et al. independent Claim 11.

Claim 11 of Kasturi et al. recites the following:

A liquid detergent composition having increased suds volume and suds retention suitable for use in hand dishwashing, said composition comprising:

a) an effective amount of a polymeric suds stabilizer, said stabilizer comprising:

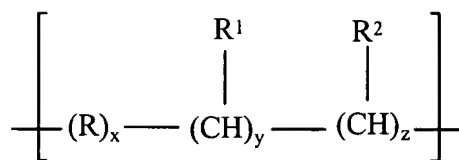
i) units capable of having a cationic charge at a pH of from about 4 to about 12;

provided that said suds stabilizer has an average cationic charge density from about 0.05 to about 5 units per 100 daltons molecular weight at a pH of from about 4 to about 12;

b) an effective amount of a deterative surfactant; and

c) the balance carriers and other adjunct ingredients;

provided that a 10% aqueous solution of said detergent composition has a pH of from about 4 to about 12, wherein said polymeric suds stabilizer (a) is a zwitterionic polymeric suds stabilizer of the formula:

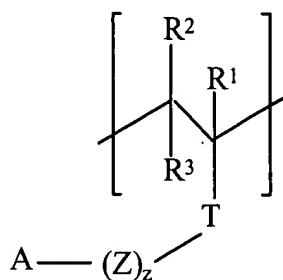


wherein R is C1 -C12 linear alkylene, C1 -C12 branched alkylene, and mixtures thereof; R¹ is a unit capable of having a negative charge at a pH of from about 4 to about 12; R² is a unit capable of having a positive charge at a pH of from about 4 to about 12; n has a value such that said zwitterionic polymers suds stabilizer has an average molecular weight of from about 1,000 to about 2,000,000 daltons; x is from 0 to 6; y is 0 or 1; and z is 0 or 1.

Amended present Claim 1 recites a block polymer suds stabilizer having the capacity to accommodate a positive charge character or a negative charge character, with the proviso that said block polymer suds stabilizer is not zwitterionic, comprising:

- i) one or more cationic group-containing units; and
- ii) one or more additional building block units;

wherein the cationic group-containing unit includes the unit:



Thus, in contrast to Claim 11 of Kasturi et al, the block polymer of present Claim 1 is not zwitterionic. Thus, there is no overlap. Claim 1 was amended to recite having the capacity to accommodate a positive charge character or a negative charge character. In contrast, the present specification at page 2 last paragraph discloses suds stabilizers having the capacity to accommodate a positive charge character, negative charge

character, or zwitterionic character. As further emphasis, amended Claim 1 recites the block polymer suds stabilizer is not zwitterionic.

The only other independent claim is Kasturi et al. Claim 13 which recites a detailed zwitterionic polymeric suds stabilizer. Present Claim 1 distinguishes over Claim 13 at least as much as it is over Kasturi et al. Claim 11.

The other amended independent present claims distinguish over the Kasturi et al. claims at least as much as present Claim 1.

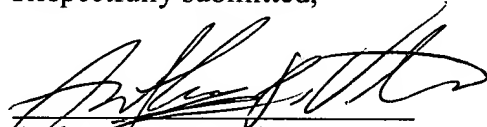
III. Conclusion

In view of the above, it is respectfully submitted that all objections and rejections are overcome. Thus, a Notice of Allowance is respectfully requested.

Respectfully submitted,

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